

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00032

James Ralph Odom,
Plaintiff,

v.

Gregg County Sheriff's Department et al.,
Defendants.

ORDER

Plaintiff James Ralph Odom, proceeding pro se and *in forma pauperis*, filed the above-styled civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love.

On March 6, 2024, the court dismissed plaintiff's claims against all defendants, except for the First Amendment claim against defendant Hoover and the excessive-force and medical-deliberate-indifference claims against defendant Owens. Doc. 36. On March 12, 2024, defendants Hoover and Owens filed a motion for summary judgment. Doc. 37. On April 22, 2024, Judge Love issued a report and recommendation (Doc. 39) recommending that plaintiff's remaining claims against defendants Hoover and Owens be dismissed without prejudice for failure to exhaust administrative remedies. Plaintiff received Judge Love's report on May 1, 2024. Doc. 41. To date, no objections have been filed and the time period for doing so has passed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. For the reasons stated in the report, the First Amendment claim against defendant Hoover and the excessive-force and

medical-deliberate-indifference claims against defendant Owens are dismissed without prejudice for failure to exhaust administrative remedies.

So ordered by the court on July 19, 2024.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge